

REMARKS

Reexamination, reconsideration, and allowance of this application as amended is requested. By this amendment, Claims 6-7 and 13-16 have been canceled. After this amendment, Claims 1-5, 8-12, and 17-20 remain pending in this application.

Claim Rejections - Double Patenting

(1) The decision of the Board of Patent Appeals and Interferences, on March 12, 2009, sustained the Examiner's rejection of claims 8-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9-12, 15, 16, 19, and 20, of previously co-pending U.S. Patent Application No. 09/696,116, now U.S. Patent No. 7,254,602, in view of Francis (U.S. Patent No. 5,331,637).

The Applicant is filing a terminal disclaimer herewith (see attached paper). In view of the filing of the terminal disclaimer herewith, the Applicant believes that the Examiner's rejection has been overcome. Therefore, the Examiner's rejection of Claims 8-20, under the judicially created doctrine of obviousness-type double patenting, should be withdrawn.

New Ground of Claim Rejections – 35 USC 101

(2) The decision of the Board of Patent Appeals and Interferences, on March 12, 2009, included a new ground of rejection of claims 6, 7, and 13-16, under 35 U.S.C. section 101.

By this amendment, claims 6, 7, and 13-16, have been canceled, without prejudice or disclaimer. These claims were canceled merely to expedite allowance of the present application and not for patentability or to further limit any claim in view of prior art. Therefore, this new ground of rejection has been rendered moot. The Applicant

respectfully suggests that the pending claims are in condition for allowance, and requests that the Examiner immediately allow the application.

Conclusion

The foregoing is submitted as full and complete response to the Official Action mailed March 12, 2009, and it is submitted that pending Claims 1-5, 8-12, and 17-20, are in condition for allowance. Reconsideration of the rejection is requested. Allowance of Claims 1-5, 8-12, and 17-20, is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account **50-1556**.

In view of the preceding discussion, it is submitted that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of the claims are requested.

Respectfully submitted,

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**Please send all correspondence concerning
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